



**OFFICE OF
COMPLIANCE, ETHICS
& EQUAL OPPORTUNITY**

**DISCRIMINATION GRIEVANCE
PROCEDURE**

FEBRUARY 4, 2021

EXHIBIT 2

Unlike the consolidated complaint process outlined in Section IX(B), a departmental investigation is held where there are multiple complaints against one Respondent, but the complaints **do not** arise from the same set of facts or circumstances. In this type of case, the occurrence of multiple complaints may be sufficient to indicate a pattern of acts that, in the aggregate, could violate UNM policy. Under such circumstances, CEEEO may determine that a departmental investigation is warranted even though the individual complaints giving rise to the departmental investigation are not accepted as jurisdictional.

When CEEEO determines that a departmental investigation is the appropriate procedural option, it will follow the investigative process as outlined in Section VI(C)(3), as applicable.

D. Hearings with Multiple Complaints against One Respondent

In instances where there are multiple complaints involving the same Respondent but CEEEO cannot consolidate the complaints, the cases may be adjudicated in one hearing at the discretion of the Hearing Officer.

X. APPEALS

Parties may appeal a CEEEO dismissal, the determination issued by the Hearing Officer, and accompanying sanction for findings of responsibility as follows:

A. Appeals to the President/Health Sciences Center (HSC) Executive Vice President (EVP)

A party may appeal CEEEO's dismissal, the Hearing Officer's Final Determination, and accompanying sanction to the President of the University of New Mexico within **seven (7) business days** of the date of the Final Determination's issuance.

UNM HSC students may appeal to the EVP with a discretionary appeal to the President of the University of New Mexico. The President Appeal Form should be used for appeals sent to the President of the University of New Mexico.

The President or EVP will consider an appeal only if it alleges one or more of the following extraordinary circumstances:

1. Procedural irregularity that affected the outcome
2. New evidence that was not reasonably available when the determination of responsibility was made that could affect the outcome; or
3. The Title IX Coordinator, investigator, or decision-maker had a general or specific conflict of interest or bias against the Complainant or Respondent that affected the outcome.

The appeal must clearly state which one (or more) of these grounds for appeal is alleged. No other grounds for appeal will be considered.

Appeals must be received by the Office of the President within **seven (7) business days** of the date the Final Determination was issued. Exceptions to this time limit will only be considered on a case by case basis with sufficient justification provided by the individual seeking the exception. Appeals that are not received by the stated deadline will be denied unless an exception to the appeal time limit is granted by the President or HSC Executive Vice President.